

Chapter 2: RULES AND REGULATIONS RELATING TO GAMES OF CHANCE

SUMMARY: This chapter describes all requirements that must be met in order to be issued a license to operate games of chance. It also explains restrictions on the operation of such games, records required, disposition of funds required, location, sale agreements, and retention and inspection of records. It also provides a mechanism for distinguishing whether a certain type of game, a "game promotion," qualifies as a game of chance.

This chapter dictates who may print and distribute materials used in games of chance and how they may be licensed to do so. This chapter also regulates who may be allowed to play games of chance and who may be allowed to own and operate such games. This chapter also describes how a "game promotion" differs from a game of chance.

2.01 Definitions. As used in this chapter, the following terms have the following meanings:

A. Equipment. "Equipment" means any and all articles essential to the operation and conduct of a Game of Chance.

A-1. Game Promotion. "Game promotion" includes, but is not limited to, any game, contest, sweepstakes, advertising scheme or plan, device, or promotion:

(1) That is conducted in connection with the promotion of products or services;

(2) In which a person may enter to win or become eligible to receive a prize with or without payment of something of value; and

(3) Where the determination of a winner is based upon chance.

For the purpose of section 2.05, "operator" means any person, firm, corporation or association, or agent or employee thereof, who promotes, operates, or conducts a game promotion.

B. License. "License" means the written authority from the Chief of the State Police to hold, conduct or operate a Game of Chance within the State of Maine.

B-1. Lucky seven or similar sealed ticket game. "Lucky seven or similar sealed ticket game" means a game consisting of tickets or cards with preprinted symbols, numbers, or other figures that are hidden by an opaque removable material. Each ticket or card represents a chance to win a specific single prize or specific

single set of prizes. A winning ticket or card contains a predetermined winning configuration of symbols, numbers, or other figures.

C. Period. "Period" means the number of calendar weeks authorized by a single license to operate a Game of Chance.

D. [AMENDED]

2.02 Conduct of Games of Chance

A. No Games of Chance shall be conducted with any gambling equipment unless said equipment is owned absolutely.

Note:

(1) Equipment being purchased on installment is considered as "owned".

(2) Any gambling equipment which is owned absolutely by an organization eligible to obtain a license in accordance with Title 17 MRSA Sec. 332, subsection 1 may loan said gambling equipment to another organization eligible to obtain a license. No payment or compensation may be charged for the loan of this gambling equipment.

B. The licensee shall not permit any disorderly or visibly intoxicated person to enter or remain within the room or area where any Games of Chance are being conducted.

C. No Game of Chance shall be conducted unless some responsible person at least 18 years of age, exercises exclusive control of each game played.

D. The licensee shall conspicuously post the Games of Chance license in an area near the licensed game. A copy of the Laws and Rules and Regulations of Title 17, Chapter 14 shall also be posted in the room or area where a licensed Game of Chance is being conducted.

E. Any location or room wherein Games of Chance are being conducted shall be fully lighted at all times during the conduct of the game.

F. All prizes shall be designated, announced, posted or indicated to the players prior to the start of each game.

G. At the conclusion of each Game of Chance the winners will be determined and the prize awarded. No prize or any values derived from a previous prize shall be credited toward a greater prize.

H. When more than one player is found to be the winner in the same game, the designated prize shall be divided as equally as possible.

- I. All members of an organization who are involved in the conduct of Games of Chance shall be thoroughly familiar with the provisions of Title 17, Chapter 14, pertaining to Games of Chance and these Rules and Regulations.
- J. An organization conducting a Game of Chance shall not advertise in any obscene or indecent manner, nor shall said organization permit advertising of any obscene or indecent nature.
- K. The following minimum safety requirements shall be adhered to per the State Fire Marshal's Office.
 - (1) There shall be at least one 10 B. C Chemical or CO² fire extinguisher or one 2 1/2 gallon soda acid fire extinguisher per 2500 feet of floor space.
 - (2) There shall be exit signs for each exit, with emergency lighting for all exits, hallways and the playing area.
 - (3) Steps and stairs leading into, and those in the building, shall be kept free of obstructions and in good repair, with at least one handrail per set of steps or stairs.
 - (4) There shall be no obstruction of any nature in any aisle, corridor, or stairway in, or leading to, the licensed premises during the conduct of any Games of Chance.
 - (5) All exit doors from the playing area and the licensed premises shall swing outward, and shall not be provided with a latch or lock unless it is panic hardware.
 - (6) Heating units, if involved, shall be installed in separate rooms with fire resistive rating of at least one hour, or shall be otherwise located and installed in such a manner as to protect the occupants in the event of any emergency or panic.

Note: If your organization is considering any new construction or alterations to your Games of Chance premises, it is suggested that you consult:

Department of Public Safety
Licensing and Inspections Unit
164 State House Station
Augusta, Maine 04333-0164
207/624-8744.

2.03 Administrative Requirements

- A. All Games of Chance applications must be received at:

Maine State Police
Gaming and Weapons Section
164 State House Station
Augusta, Maine 04333-0164
207/624-8775

at least 8 days prior to the first date desired to operate. No Games of Chance licenses will be issued unless the 8 day requirement is met.

- B. Any organization applying for a gambling machine license under this chapter shall forward a copy of the Internal Revenue Service Special Tax Form 11 B showing proof of payment as required by the Department of the Treasury.

No Games of Chance licenses will be issued unless the IRS Special Tax Stamp accompanies the application.

2.04 Sealed Tickets Limitations and Prohibitions

- A. This rule does not apply to Lucky Seven or similar sealed tickets when conducted or operated in conjunction with high-stakes beano.
- B. Each Lucky Seven or similar sealed ticket game shall contain no more than twelve thousand individual tickets or cards, none of which are attached in any way to any other ticket or card.
- C. Every Lucky Seven or similar sealed ticket game shall be assigned a unique serial number by the manufacturer. Every ticket or card in a Lucky Seven or similar sealed ticket game shall bear the unique serial number of the Lucky Seven or similar sealed ticket game. This serial number shall be plainly visible to the contestant, participant, or other interested person.
- D. No Lucky Seven or similar sealed ticket game shall be conducted or operated in which the operator or Licensee knows or can identify any winning ticket or card that has not been opened by the contestant or participant.
- E. Operators of Lucky Seven or similar sealed ticket games shall offer all the tickets or cards comprising the game for sale simultaneously. No operator shall mix or add any tickets or cards from one Lucky Seven or similar sealed ticket game together with the tickets or cards to another Lucky Seven or similar sealed ticket game. Nor shall any operator change the original odds of winning a Lucky Seven game or sealed ticket game in any manner.
- F. No person conducting or operating or assisting in the conduct or operation of a Lucky Seven or similar sealed ticket game may participate as a player or contestant in that game. Persons conducting or operating or assisting in the conduct or operation of a Lucky Seven or similar sealed ticket game may elect to

post whether prizes have been awarded or not in that game. If persons conducting or operating or assisting in the conduct or operation of a Lucky Seven or similar sealed ticket game elect to post that prizes have been awarded, that posting shall be immediately following the award of the prize and shall include all prizes for that game. No person conducting or operating or assisting in the conduct or operation of a Lucky Seven or similar sealed ticket game shall deceive a participant or contestant by misrepresenting in any way that a prize has been or has not been awarded.

2.05. Game promotions.

- A. Criteria: A game promotion is not a game of chance if the operator is able to establish the following criteria to the satisfaction of the Chief of the Maine State Police or designee:
- (1) No entry fee, payment, donation, or proof of purchase is required as a condition of entering to win or becoming eligible to receive a prize;
 - (2) The game promotion is occasional and of limited duration;
 - (3) During periods when a game promotion is not being conducted, the products or services promoted are offered for sale to the public and that the purchase price of these products or services has not been increased to correspond with the period during which the game promotion is being conducted; and
 - (4) A demand for the products or services exists independent of the demand for the game promotion and the chance to win its prize. This may be achieved by providing evidence of the following, or through other reasonable and appropriate means:
 - (a) Sales of the product or service at time when no promotion or other similar type of incentive was being offered; or
 - (b) The portion of products or services sold during a promotion or otherwise that are actually used or redeemed by the customers.
- B. License required: Any game promotion that fails to satisfy the criteria listed in subsection A is a game of chance, which must be licensed and conducted in accordance with Title 17, Chapters 13-A or 62 of the Maine Revised Statutes.
- C. Sanctions: Any operator who conducts an unlicensed game of chance shall be subject to the penalties set forth in Title 17, Chapters 13-A and 62 and Title 17-A, Chapter 39 of the Maine Revised Statutes.
- D. Limitation: Nothing in this section is meant to limit any game, contest, advertising scheme or plan, device, or promotion that is authorized by Maine law.
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STATUTORY AUTHORITY: M.R.S.A. Title 17, Chapter 14, Section 343

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READOPTED:

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AMENDED:

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